

SENATE BILL NO. 53

BY SENATOR MCMATH

1 AN ACT

2 To enact R.S. 40:1203.2(C)(3), relative to the employment of nonlicensed persons by certain
3 health care providers; to provide for an exemption from the criminal history and
4 security check requirement for certain rehired persons; to provide for an effective
5 date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1203.2(C)(3) is hereby enacted to read as follows:

8 §1203.2. Employment of nonlicensed persons and licensed ambulance personnel;
9 training program enrollment of nonlicensed persons; mandatory
10 criminal history and security checks; temporary employment; notice
11 to applicants

12 * * *

13 C. * * *

14 **(3) Notwithstanding any other provision of law to the contrary, any**
15 **adult day health care provider and any home- and community-based service**
16 **provider providing adult day care services may make an offer of employment**
17 **to a nonlicensed person without conducting the criminal history and security**
18 **check required pursuant to this Part if all of the following conditions are met:**

19 **(a) The nonlicensed person was employed by the provider on March 22,**
20 **2020.**

21 **(b) The provider was required to temporarily cease operations pursuant**
22 **to Proclamation Number 33 JBE 2020, or any subsequent proclamation**
23 **declaring the existence of a statewide COVID-19 public health emergency.**

24 **(c) The nonlicensed person is no longer employed by the provider as a**
25 **result of the temporary closure mandated pursuant to Proclamation Number**

33 JBE 2020, or any subsequent proclamation declaring the existence of a statewide COVID-19 public health emergency.

(d) The nonlicensed person is being rehired by the same provider within sixty days of the provider resuming operations.

(e) The nonlicensed person provides a written attestation that he has not been arrested or received a criminal conviction during the period from the date the nonlicensed person was last employed by the provider to the date of rehiring.

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: